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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/331,805 06/25/99 KONSTANTINIDIS

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PM82/0914

EXAMINER

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GREECE

STEPHAN, B

ART UNIT	PAPER NUMBER
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AIR MAIL

3635

DATE MAILED:

09/14/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/331,805

Applicant(s)

Konstantinidis

Examiner

Beth Stephan

Group Art Unit
3635



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-19 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-4, 7, and 17-19 is/are rejected.

☒ Claim(s) 5, 6, and 8-16 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☒ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3635

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

Receipt is acknowledged of the references cited with the International Search Report. The references have been considered.

Drawings

The drawings have been objected to by the draftsman.

Specification

A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

Claim Objections

Claims 5-6 and 8-16 are objected to under 37 CFR 1.75© as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See

Art Unit: 3635

MPEP § 608.01(n). Accordingly, the claims 5-6 and 8-16 have not been further treated on the merits.

Claim 1(second occurrence) is objected to because of the following informalities: the claim number is a duplicate. Appropriate correction is required. It appears that the claim should be numbered 17 and is being treated on it merits.

Claim Rejections - 35 USC § 112

Claims 1-4, 7, and 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, and 17-19, "the longitudinal direction" has no antecedent basis.

In claims 1, 3-4, and 17, "to house" is indefinite.

In claims 1, and 17-19, "the main reinforcement rods" has no antecedent basis.

In claim 2, "the projections" has no antecedent basis.

In claim 3, "two and only two" is indefinite.

In claim 7, "in that" is indefinite.

In claim 7, "which houses" is indefinite.

In claim 7, "all other cages" is indefinite.

In claims 17-19, "characterized in that" is indefinite.

In claim 17, "the main reinforcement rods" has no antecedent basis.

Art Unit: 3635

In claim 18, "the principle rod elements" has no antecedent basis.

In claim 18-19, "are housed" is indefinite.

In claims 18-19, "the reinforcement" has no antecedent basis.

In claims 18-19, "the windings" has no antecedent basis.

In claims 18-19, "a different set of" is indefinite.

In claim 19, "the principle bar elements" has no antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, and 17-19 are rejected, as understood, under 35 U.S.C. 102(b) as being anticipated by European Patent'397. '397 teaches a stirrup consisting of windings(7,7') disposed along a longitudinal axis forming a spiral shape, the windings form a plurality of substantially cylindrical cages for housing rods(2,3,2',3'), see Figures 4 and 5.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3635

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over '397. '397 teaches the stirrup discussed previously but lacks the use of 4 cages and the orientation of the cages. The number and orientation of the cages is deemed a matter of obvious design choice for a skilled artisan given the intended use of the load bearing element and the environment within which it will be used.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Stephan whose telephone number is (703) 308-2485. The examiner can normally be reached Mon thru Thurs from 7:30am to 6:00pm. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Art Unit: 3635

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

Beth Stephan

September 11, 2000

Beth Stephan
BETH A. STEPHAN
PRIMARY EXAMINER